

**CITY OF MONTEREY PARK  
PLANNING COMMISSION AGENDA**

**REGULAR MEETING**

**Monterey Park City Hall – Council Chambers  
320 West Newmark Avenue  
Monterey Park, CA 91754**

**TUESDAY  
JANUARY 26, 2016  
7:00 PM**

**MISSION STATEMENT**

**The mission of the City of Monterey Park is to provide excellent services  
to enhance the quality of life for our entire community.**

Staff reports, writings, or other materials related to an item on this Agenda, which are distributed to the Planning Commission less than 72 hours before this scheduled meeting are available for public inspection in the City Clerk's Office located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours. Such staff reports, writings, or other materials are also on the City's website subject to staff's ability to post the materials before the meeting. The City's website is located at <http://ci.monterey-park.ca.us/home/index.asp>. Copies of staff reports and/or written documents pertaining to any item on the Agenda are on file in the Community and Economic Development Department – Planning Division and are available for public inspection during regular business hours.

**PUBLIC COMMENTS ON AGENDA ITEMS**

For members of the public wishing to address the Planning Commission regarding any item on this Agenda, including Oral Communications, please fill out a speaker card and return it to Planning staff before the announcement of the Agenda Item.

Speakers are provided five (5) minutes per individual on each published agenda item. Individual speakers may consolidate time with another speaker's time; the total consolidated time cannot exceed two (2) minutes per speaker giving up time. However in the interest of ensuring that all members of the Public have an equal opportunity to participate, a single speaker cannot speak for more than ten (10) minutes on an individual Agenda item. If there are a large number of speakers on a particular agenda item, the Chairperson, as confirmed by the Planning Commission, may reduce the amount of time allotted to each speaker or limit the total amount time allowed for speakers to address the agenda item. At the conclusion of that period of time, the speaker will be asked to please conclude their remarks so that the next speaker may begin their comments.

In accordance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call City Hall, (626) 307-1359. Please notify the Community and Economic Development Department twenty-four hours prior to the meeting so that reasonable arrangements can be made to ensure availability of audio equipment for the hearing impaired. Council Chambers are wheelchair accessible.

**CALL TO ORDER – Chairperson Rodrigo Garcia**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL – Commissioners Choi, Sullivan, Lee, and Leung**

**AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS**

**ORAL AND WRITTEN COMMUNICATIONS**

**MINUTES** – October 27, 2015, November 10, 2015, and January 12, 2016

**[1.] CONSENT CALENDAR - None**

**[2.] UNFINISHED BUSINESS**

**2-A. CODE AMENDMENT – AFFECTING RESIDENTIAL, COMMERCIAL, OFFICE PROFESSIONAL, OFF-STREET PARKING, AND PROCEDURAL REQUIREMENTS (CA-15-03)**

The City is proposing an ordinance amending the residential zoning regulations in the Monterey Park Municipal Code affecting portable canopies, home occupation permits, mechanical equipment and landscaping; and the commercial chapter related to building height along Corporate Center Drive. The proposed code amendments are intended to address specific concerns thereby preserving and protecting the public health, safety, and welfare of the community.

This ordinance is exempt from additional environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures to permit operation of existing facilities; consists only of minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. This ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt from further CEQA review under 14 California Code Regulations §§ 15301, 15305, and 15308.

It is recommended that the Planning Commission consider taking the following actions:

- (1) Open the public hearing;
- (2) Consider the evidence presented during the public hearing;
- (3) Adopt a Resolution recommending that the City Council adopt an ordinance amending Monterey Park Municipal Code (MPMC) Chapters 21.08 and 21.10; and
- (4) Take such additional, related, action that may be desirable.

**[3.] NEW BUSINESS (PUBLIC HEARING)**

**[4.] COMMISSION COMMUNICATIONS**

**[5.] FUTURE AGENDA ITEMS AS DIRECTED BY THE COMMISSION**


**[6.] STAFF UPDATES**

**[7.] CLOSED SESSION**

**ADJOURN**

To the next regularly scheduled meeting on January 26, 2016

APPROVED BY:

MICHAEL A. HUNTLEY	
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# Planning Commission Staff Report

**DATE:** January 26, 2016

**AGENDA ITEM NO:**

**TO:** The Planning Commission  
**FROM:** Michael A. Huntley, Director of Community and Economic Development  
**SUBJECT:** Consider the adoption of a Resolution recommending that the City Council amend specific sections of Title 21 (zoning regulations) of the Monterey Park Municipal Code.

**RECOMMENDATION:**

It is recommended that the Planning Commission:

- (1) Open the public hearing and, after considering the evidence presented during the public hearing, adopt a Resolution recommending that the City Council adopt an ordinance amending specific sections of Title 21 (zoning regulations) of the Monterey Park Municipal Code; and
- (2) Take such additional, related, action that may be desirable.

**EXECUTIVE SUMMARY:**

In April 2013, the City Council adopted an ordinance amending Title 21 of the Monterey Park Municipal Code in its entirety. That Title regulates the City's zoning. At that time, the City Council directed staff to examine 13 matters and return to the Planning Commission and City Council with recommended changes.

Since 2013, two of the 13 items have been addressed including:

1. Commercial Property Reports – A code amendment was adopted by the City Council deleting this provision from the code.
2. Residential Property Reports - A code amendment was adopted by the City Council deleting this provision from the code.

This code amendment was first presented to the Planning Commission on April 14, 2015. On April 28, 2015, this item was brought back to the Commission to receive direction. The Commission after considering the evidence presented during the public hearing directed staff to prepare a resolution recommending that the City Council amend Monterey Park Municipal Code ("MPMC") Chapter 21.08 and MPMC Chapter 21.10. On May 12, 2015, staff presented a resolution for Commission consideration. At the time, the Commission underwent reorganization, so staff presented the item again

to the Commission. The item was continued again to allow the Commission additional time to review the item.

### **ANALYSIS:**

The proposed code amendments below address seven of the remaining clean up items from 2013 and four additional cleanup items. The 11 items are summarized below. The code sections are provided on a separate attachment with strikethroughs for deletions and underlines or highlights for additions, respectively.

### **Chapter 21.08 Residential Zones**

The following three residential code provisions were identified by the City Council as items needing clarification and included on the list of code clean up items. These items were presented to the Planning Commission in a number of public hearings in 2015.

1. **Section 21.08.040 (H) Portable Canopies** – In various residential districts, portable canopies are subject to several conditions including the limitation of one portable canopy per residential unit, not to exceed 120 square feet. It was suggested that a better limitation may be to limit portable canopies, not by a fixed number of canopies per residential unit, but rather limiting canopies by establishing a maximum allowable area not to exceed 240 square feet per lot, not per residential unit. Establishing a maximum of 240 square feet for portable canopies per residential lot is an appropriate standard. Any accessory structure or building that exceeds 120 square feet will require a building permit.
2. **Section 21.08.080 (G) Mechanical Equipment** – The MPMC states that mechanical equipment in the residential zones must be located twenty-five feet from any opening in a residential building on an adjoining lot except as specifically permitted by the City Planner. This restriction is very limiting in the placement of mechanical equipment, especially on lots that are legal nonconforming lots that are only 50 feet in width. It was suggested that a less restrictive and less cumbersome standard be established.

Staff surveyed the code provisions for mechanical equipment in residential zoning districts in neighboring cities. Based on the survey, the minimum required setback for mechanical equipment was 2 feet and the maximum required setback was 5 feet from side or rear property lines. Due to the nature of certain types of mechanical equipment, requiring a minimum 5-foot setback from side and rear property lines makes the most sense. This should ensure that noise related impacts from certain types of mechanical equipment are kept to a minimum.

Mechanical Equipment Survey	
Alhambra	3 feet from side and rear property lines. Not allowed in front and street side yards
Arcadia	3 feet from rear property line. Not allowed in the front or side yard setback
Duarte	2 feet from front, side, and rear setback areas. Not allowed in street side yard area
Monrovia	5 feet from side property line, except within the rear 3 feet from side and rear property lines
Montebello	Not allowed in the front or street side yard
Rosemead	3 feet from front, side, and rear yards
San Marino	5 feet from the side property lines in the rear yard only

3. **Section 21.08.040 (W) Landscaping** – The current landscaping provisions, especially in the single-family residential zone, do not provide adequate direction on the types of landscaping, both living and non-living, allowed in front yard areas. There are also no provisions that encourage the establishment of drought tolerant and/or water conservation types of landscape designs. Staff agrees with this observation and included proposed landscape provision that would allow native and drought tolerant plant materials, the use of artificial turf and other types of decorative hardscape materials.

#### Chapter 21.10 Commercial Zones

The following four commercial code provisions were identified by the City Council as items needing clarification and included on the list of code clean up items. As mentioned above, these items were also presented to the Planning Commission in 2015.

4. **Section 21.10.030 (A) Permitted Uses “Art Gallery”** – It was pointed out that an Art Gallery is not permitted in the S-C (Shopping Center) zone, yet this use is permitted in the N-S (Neighborhood Shopping), C-B (Central Business), R-S (Regional Specialty Center), and the C-S (Commercial Service) zones of the City. Since an Art Gallery tends to be a low intensity use and beneficial to the livelihood of commercial districts, the intent is to amend the index of permitted uses for the commercial districts to allow an Art Gallery as a permitted use in the S-C zone.
5. **Section 21.10.030 (A) Permitted Uses “Car Wash”** – A Car Wash is permitted subject to the approval of a Conditional Use Permit in the N-S (Neighborhood Shopping) zone. Since the N-S zone is the least intensive commercial district meant to benefit lower density residential neighborhoods, the deletion of this use from the N-S district would be an appropriate action.

6. **Section 21.10.200 Tenant Mix Leasing Plan** – A Tenant Mix Leasing Plan (1) contains leasing plan requirements applied to any project which is one acre or more in land use or which consists of five or more units, and (2) requires a conditional use permit and other description approvals. The requirement for a leasing plan and market analysis, including such features as an executed agreement with a sales or leasing agent and a financial feasibility study is the type of requirements that appear to get Monterey Park labeled as “business unfriendly.” These provisions have not been used for several years. These requirements appear to be a holdover of redevelopment projects. If this provision is eliminated, the City will still have the conditional use permit process to rely on to add conditions, if necessary, to address aspects of the tenant occupancy. It was suggested at a City Council meeting that this issue be referred to the Planning Commission to consider amending the MPMC to eliminate or revise these requirements to make the MPMC more business friendly.
7. **Section 21.22.170 Compact Automobile Parking** – It was suggested that the compact parking requirement be evaluated to allow a greater percentage of compact spaces versus standard parking spaces in commercial development. Pursuant to the Off-Street Parking Regulations, compact automobile parking is permitted for commercial and/or office projects that have a building square footage of at least 30,000 square feet and at least 50 off-street parking spaces. Of the total required number of off-street parking spaces, 30 percent can be dedicated as compact spaces. Staff is not recommending any changes to the compact provisions because compact parking is only allowed in larger commercial developments where compact can be a benefit to the customers. However, since vehicle size has fluctuated back and forth from large to small and back, it is not practical for the MPMC to keep up with the constant changes, so a standardized stall size makes sense.

### **Clean-up Items**

The following five commercial provisions were not identified as 2013 code clean up items, but have been identified by Planning staff as items that were either arbitrarily left out from the previous MPMC, or are items that should be addressed. The first item below was also presented to the Planning Commission in 2015, but the remaining four are new items for consideration by the Commission.

8. **Section 21.10.040 (I) Limitations, Special Standards and Accessory Uses** – In the day-to-day implementation of the MPMC, staff discovered that the special height provisions allowed in the Los Angeles Corporate Center area were inadvertently deleted in the 2013 MPMC update. Based on the original subdivision map for the development of the Corporate Center office park, office buildings were permitted at a height of 75 feet, and may exceed the height limit subject to the approval of a conditional use permit. That height provision was inadvertently left out of the code and staff is recommending that such provision be added back into the MPMC and specifically related to the parcels identified in the tract map that established the Los Angeles Corporate Center (Final Map 42611).

9. **Section 21.10.070 Standards of Development** – Planning staff also discovered that the specific provisions in Table 21.10(B) related to commercial development standards were inadvertently deleted from the 2013 MPMC update as well. Specifically, a portion of the Floor Area Ratio (FAR) has been incorporated into Table 21.10(B); however, the former regulations also included a provision that allowed the FAR to be exceeded subject to the review and approval of a conditional use permit by the Planning Commission. Staff is recommending that those code provisions be reinserted into the code.
10. **Section 21.10.030 (A) Land Use Regulations (Professional Office and Notary Uses)** - Another item that was left out of the 2013 update was the provision that allows office uses to be located on the ground floor of a commercial building in the S-C (Shopping Center), C-B (Central Business) and the R-S (Regional Specialty) zoning districts, subject to a conditional use permit. Staff is recommending that the code provision be expanded to include the N-S and C-S zoning districts as well.
11. **Section 21.10.030 (A) Land Use Regulations (Internet Arcades)** – Currently, Internet Arcades are only permitted in two of the commercial zoning districts subject to a conditional use permit and a myriad of development and performance standards. In evaluating the commercial districts, staff determined that such a use could also be accommodated in other commercial districts as well, subject to the same conditional use permit requirements and related development and performance standards. Staff is therefore proposing to allow Internet Arcades in both the C-B (Central Business District) and the R-S (Regional Specialty Center) districts to allow a wide variety uses in these commercial districts.

#### **Hold Over Items**

The following four remaining items will be held over as part of future code clean-up items since they require more in depth analysis. These items include:

12. Design Review
13. Live/work Units
14. Office Professional (O-P) Zone
15. Master Conditional Use Permit for Major Development

#### **ENVIRONMENTAL:**

The proposed resolution is exempt from further environmental review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because the ordinance being recommended by the resolution constitutes only minor revisions and clarifications to existing regulations and specification of procedures

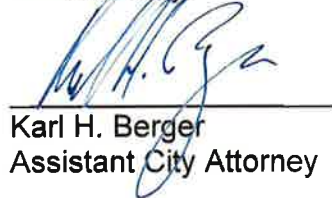
related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. The resolution and ordinance, therefore, do not have the potential to cause significant effects on the environment. Consequently, they are categorically exempt from further CEQA review under 14 California Code Regulations §§ 15301, 15305, and 15308.

Respectfully submitted:



Michael A. Huntley,  
Community and Economic  
Development Director

Reviewed by:



Karl H. Berger  
Assistant City Attorney

Attachments:

- A. Resolution recommending adoption of the ordinance
- B. Draft ordinance
- C. Planning Commission Minutes, dated April 28, 2015 and May 12, 2015



## EXHIBIT A

Resolution recommending adoption of the ordinance

## RESOLUTION NO.

**A RESOLUTION RECOMMENDING THAT CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE ("MPMC") AFFECTING REGULATIONS GOVERNING THE RESIDENTIAL, COMMERCIAL, OFFICE PROFESSIONAL, OFF-STREET PARKING AND PROCEDURAL REQUIREMENTS FOR LAND USE. THE PROPOSED AMENDMENTS TO THE MPMC ARE INTENDED TO ADDRESS SPECIFIC CONCERNS THEREBY PRESERVING AND PROTECTING THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY**

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. A review of the Monterey Park Municipal Code ("MPMC") suggests that amendments are needed to improve the City's regulations governing, among other things, the residential and commercial zoning districts;
- B. On January 26, 2016, Community and Economic Development Department presented draft regulations to the Planning Commission for consideration. The Planning Commission provided direction for improving the regulations. Thereafter, the regulations were reviewed by the Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. The City reviewed the project's environmental impacts under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines"). and the City's Environmental Guidelines;
- D. The Community and Economic Development Department completed its review and scheduled the public hearing regarding the application before the Planning Commission for January 26, 2016;
- E. On January 26, 2016, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the draft Ordinance attached as Exhibit "A," and incorporated by reference, including, without limitation, information provided to the Planning Commission by City staff and public testimony; and
- F. This Resolution and its findings are made based upon the evidence presented to the Commission at its January 26, 2016, hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

**PLANNING COMMISSION**  
**RESOLUTION NO.**  
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SECTION 2: *Environmental Assessment.* Because of the facts set forth in Section 2, the proposed Ordinance is exempt from further environmental review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because the proposed Ordinance constitutes only minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. The Ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt from further CEQA review under 14 California Code Regulations §§ 15301, 15305, and 15308.

SECTION 3: *General Plan Findings.* As required under Government Code § 65860 the MPMC amendments proposed by the Ordinance are consistent with the Monterey Park General Plan. It is a goal of the Land Use Element of the General Plan to maintain the quality and character of Monterey Park’s residential neighborhoods and commercial districts. The proposed residential code amendments are minor changes intended to ensure that the residential character is maintained to the highest standards. The proposed commercial code amendment is intended to clarify an existing code provision ensuring development compatibility.

SECTION 4: *Recommendations.* The Planning Commission recommends that the City Council adopt the draft ordinance set forth in attached Exhibit “A,” which is incorporated into this resolution by reference.

SECTION 5: *Reliance On Record.* Each and every one of the findings and determination in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 6: *Limitations.* The Planning Commission’s analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission’s lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the city’s ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 7: This Resolution will remain effective until superseded by a subsequent resolution.

**PLANNING COMMISSION  
RESOLUTION NO.  
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SECTION 8: The Commission secretary is directed to mail a copy of this Resolution to any person requesting a copy.

SECTION 9: This Resolution may be appealed within nineteen (19) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

PASSED AND ADOPTED this 26th day of January 2016.

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 26<sup>th</sup> day of January 2016, by the following vote of the Planning Commission:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Rodrigo Garcia, Chairperson  
City of Monterey Park Planning Commission

ATTEST:

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Michael Huntley, Secretary

APPROVED AS TO FORM:  
Mark D. Hensley, City Attorney

By: 

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Karl H. Berger, Assistant City Attorney

## **EXHIBIT B**

Planning Commission Minutes, dated April 28, 2015 and May 12, 2015

**OFFICIAL MINUTES  
MONTEREY PARK PLANNING COMMISSION  
REGULAR MEETING  
APRIL 28, 2015**

The Planning Commission of the City of Monterey Park held a Regular Meeting of the Board in the Council Chambers, located at 320 West Newmark Avenue in the City of Monterey Park, Tuesday, April 28, 2015 at 7:00 p.m.

**CALL TO ORDER:**

Chairperson Garcia called the meeting to order at 7:00 p.m.

**ROLL CALL:**

Planner Luna called the roll:

Commissioners Present: Rodrigo Garcia, Ricky Choi, Michael Hamner, and Larry Sullivan

Commissioners Absent: None

**ALSO PRESENT:** Karl H. Berger, Assistant City Attorney, Michael A. Huntley, Director of Community and Economic Development, Harald Luna, Assistant Planner, Samantha Tewasart, Senior Planner

**ORAL AND WRITTEN COMMUNICATIONS:** None

**AGENDA CHANGES AND ADOPTION:** None

**APPROVAL OF MINUTES:** None

**PUBLIC HEARING:** None

**OLD BUSINESS:** None

**UNFINISHED BUSINESS:**

**1-A. CODE AMENDMENT – RESIDENTIAL CHAPTER (CA-15-03)**

Director Huntley provided a brief summary of the proposed amendments. Director Huntley stated that the City is initiating a code amendment to amend the residential chapter of the Zoning Code related to portable canopies, home occupation permits, mechanical equipment and landscaping; and the commercial chapter related to building height along Corporate Center Drive. The proposed code amendments are intended to address specific concerns thereby preserving and protecting the public health, safety, and welfare of the community.

Chair Garcia inquired if the Planning Commission was only going to review the proposed amendments and not approve the amendments. Director Huntley stated that the Planning Commission is only going to provide direction to staff and if the Planning Commission is ok with the proposed changes then staff will prepare a resolution for the Planning Commission and an Ordinance for the City Council. Assistant City Attorney Berger provided a brief summary of the process involved with

allowing the Planning Commission time to review the proposed amendments provide feedback to staff and bring back a resolution to the Planning Commission.

Director Huntley provided a brief summary of the City of Monterey Park Municipal Code Section 21.08.040 (H) Portable Canopies code amendment. Director Huntley indicated that the recommendation to limit portable canopies is not by a fixed number of canopies per residential unit, but rather limiting canopies by establishing a maximum allowable square footage area not to exceed 240 square feet per lot, and not per residential unit.

Commissioner Sullivan inquired about the definition of the word portable. Director Huntley replied that portable mean something that can be picked-up and carry around. Commissioner Sullivan asked if a canopy is placed on a driveway and is significant in size with a metal top is it considered a portable canopy. Director Huntley replied that there is a definition for canopy typically it relates to whether if it could be portable and also relates to the type of material on it typically a temporary canvas or vinyl and when you have a metal top then it will turn into a structure which is regulated by the building code.

Commissioner Hamner stated that the definitions for temporary and portable should be aligned with the definitions under the building code including the structural foundation should be a factor in defining a structure whether or not it is temporary or portable for consistency. Assistant City Attorney Berger stated that the City's definition for a portable canopy is "a prefabricated structure consisting of a supporting frame in which a solid durable material is attached for the purpose of providing protection from natural elements." It is a bit of a broad definition but the main thing would be as long as it is not defined as a structure for purposes of the building code and is portable as opposed to permanent. Commissioner Hamner stated that commissioner Sullivan brought up an interesting point and inquired if you have a foundation that was fixed, say a sleeve like bollard, use as an example, and you have the poles that can slip in, bolt lock and can be removed is that something that we would consider. Planner Tawasart stated that in addition to the portable canopy definition, the city also defines a structure as "anything constructed or erected, which requires a fixed location on the ground, or is attached to a building or other structure having a fixed location on the ground." Therefore if it is fixed then it would be qualify as a structure as opposed to a portable canopy.

Commissioner Sullivan inquired that it would also have to meet the 25 foot setback from the front property line and 15 feet from the street side setback and the other criteria in addition those points. Planner Tawasart replied yes.

Commissioner Sullivan inquired if the existing portable canopies will be grandfathered and how will the proposed changes be implemented for anything new. Assistant City Attorney Berger stated that the grandfathering of existing uses that do not meet the code update will be considered as "legal non-conforming uses." So if those uses are incompatible with the changes to the code, they will be continued to be allowed as legal non-conforming uses if they were conforming with the code as it exists today.

Commissioner Hamner stated as a perspective of advice more of a global type of deal that after looking at the examples of the code updates, specifically the residential area, and stated that if he was to characterize these changes its about

the quality of the neighborhood. The Planning Commission was tasked to look at the overall code with a number of code changes with lots of questions being asked and that this method is more managed way at looking at it.

Chairperson Garcia inquired if this is a continuation item, how much dialogue has been discussed in the past. Director Huntley answered that this is the first time it comes to the Planning Commission. Chair person Garcia inquired if the previous time it was opened up for discussion or presentation at that moment of time what was the discussion or do we have minutes. Director Huntley provided background information of the comprehensive update to the Zoning Code and stated that the intent of the meeting is to discuss the additional items of concern that the City Council felt needed to be looked at.

Commissioner Hamner inquired whether the commission should look at these items as a whole. Assistant City Attorney Berger stated that staff has been working on the zoning code updates for the past 5 years now. This particular effort that is before you tonight is part of that 5 year process, which was, that the City contracted a consultant to do a comprehensive update to the code to make sure that there was consistency between the recently updated General Plan and the zoning code. The items that you are reviewing tonight is the technical clean-up language of the updated zoning code that was addressed by the City Council and Planning Commission in order to update the code to bring it into conformance with what the understanding was by the policy makers at the time they adopted the comprehensive updated zoning regulations. Staff is now trying to have the Planning Commission look at what the City Council directed at City Council level. Director Huntley is now the third director that is working on these updates and is trying to take list of items prepared by his predecessors, City Council members and Planning Commission and put them all together into a series of regulations for consideration and ultimate adoption to update the code. What Commissioner Hamner has identified is what has been discussed before which is we can adopt all the regulations we want, but there is the question of the regulations versus enforcement of the regulations.

Vice-Chair Choi stated that the commission can go through the items that are not as controversial first, and then continue the discussion on the other matters.

Chairperson Garcia inquired what the Commissioners thoughts were on the code items before them beginning with portable canopies.

Commissioner Sullivan stated that the definition for portable was addressed and that he had no other questions.

Commissioner Hamner inquired what dictated the portable canopy size increase allowed from 120 square feet to 240 square feet. Director Huntley stated that the typical portable canopy size is larger than the current maximum size allowed.

Vice-Chair Choi stated that he also wanted to know where the 240 square feet came from, but if that is the typical size that stores are selling then it is ok.

Director Huntley provided a brief summary of the City of Monterey Park Municipal Code Section 21.08.040 (D) (5) Home Occupation Permits code amendment.

Commissioner Hamner inquired if the other provisions about the other limitations for



Home Occupation Permits been removed. Director Huntley replied that the other limitations are still there and there are no changes to those other regulations.

Vice-Chair Choi inquired about the one bedroom limitation. Director Huntley replied that it should be one room instead of bedroom.

Director Huntley provided a brief summary of the City of Monterey Park Municipal Code Section 21.08.040 (G) (2) Mechanical Equipment code amendment.

Commissioner Hamner inquired as a clarification for item 4 the visibility requirement for mechanical equipment from an abutting lot. Director Huntley stated that mechanical equipment should be screened from the public view. Commissioner Hamner inquired whether item 6 is the last resort. Director Huntley replied that if someone has a good argument, they can present it to the planner for further review.

Chairperson Garcia inquired that the code is being simplified for the setback requirement due to the noise created by the equipment. Director Huntley stated that as the code is written today it requires applicants to go through hoops to obtain the information necessary. The process makes it easier to apply it if we just had a standard setback, making sure it stays away from the side yard setback instead of having to identify where the opening is located on the adjacent property.

Director Huntley provided a brief summary of the City of Monterey Park Municipal Code Section 21.08.080 (W) Landscaping Ordinance code amendment.

Commissioner Sullivan inquired if City of Monterey Park has an incentive program for planting drought-tolerant landscaping. Director Huntley replied that the Public Works Department is working on a program that will have \$50,000 in funding, but currently there is not a refund program. Commissioner Sullivan inquired what the time frame will be. Director Huntley replied that the Ron Bow, Public Works Director/Assistant City Manager is currently working with the water division manager right now and anticipates within the next 2 months. Commissioner Sullivan inquired about item 3 whether it applies to residential backyards. Director Huntley stated that this item is focused on front yards visible from the public right-of-ways. Commissioner Sullivan inquired about city's regulation for synthetic lawns. Director Huntley stated that higher quality synthetic grass is allowed and the city does not want residents to use low-quality synthetic grass that you can roll out and degrades easily with the sun. Commissioner Sullivan inquired whether the overgrown statement of the ordinance will regulate empty lots with overgrown vegetation. Director Huntley replied yes and there are other sections of the code will regulate that.

Commissioner Hamner stated that the landscaping ordinance needs additional language pertaining to landscaped areas visible from the public right-of-way. Commissioner Hamner stated that there should be more provisions on where parking can occur, including permissible parking locations for recreational vehicles. Director Huntley replied that yes there are provisions in the code and no is not one of the clean up items. However in talking with the Monterey Park Police Chief some concerns were recently brought up about where recreational vehicles may park. Planner Tewasart stated that there is an existing provision in the code that reads "No person may park any vehicle or any component thereof, for any purpose, in any front or side yard area on any residentially zoned lot, except the parking on driveways of

passenger vehicles or as otherwise permitted by this chapter.” Commissioner Hamner stated that his recommendation based on that provision the delineation now is more blurred because there are DG driveways and lots of designs for driveways that do not have to have permeability, and lastly boats parked on driveways in front of the garage prohibiting access to park the vehicles inside of the garage and as other examples come down the line where are the policies on all those items.

Commissioner Sullivan stated that he recalls discussing the issue of parking recreational vehicles on the side yard and said that if someone put down a concrete pad for a driveway so that the vehicle is able to drive in, park and drive out, it would be acceptable. Commissioner Sullivan agrees with Commissioner Hamner, there are residents who are now parking their recreational vehicles in the backyard on bricks. Planner Tewasart stated that this issue is more related to the Off-Street Parking Chapter. Director Huntley stated that the item can be further discussed in the off-street parking section in a future meeting. Planner Tewasart stated that within current off-street parking chapter there is a provision within R-2 and R-3 zones that states that off-street parking cannot be located in front of a main building. Which can be expanded to include the single-family area or it can be additional language added to what is being discussed this evening in the landscaping section. Commissioner Sullivan stated that it should be added to the discussion with the police department at the same time, because if people are just pulling their motor home on the side of their lot and they just park it and have it sitting on a concrete pad that they have installed themselves is not sufficient or is it. Assistant City Attorney stated that recreation vehicles or boats should not be allowed to park in the front.

Commissioner Hamner stated that the city needs to find a balance between being proactive and preserving the resident’s rights.

Chairperson Garcia inquired whether synthetic grass is permeable. Director Huntley replied yes and synthetic grass does require maintenance.

Director Huntley inquired whether the commission wants staff to clarify some of the questions of concern addressed by the commission during this meeting and report back to them.

Chairperson Garcia inquired about the commercial zone and environmental section. Director Huntley stated that the commercial section deals with properties located at Corporate Center Drive, and it is related to building height that was left out and is being re-inserted back into the code. Director Huntley stated that the environmental section is required by the California Environment Quality Act.

Chairperson Garcia opened the public hearing to the public and since there were no public speakers closed the public hearing.

**Action Taken:** The Planning Commission after considering the evidence presented during the public hearing directed staff to prepare a resolution amending the Monterey Park Municipal Code (“MPMC”) Chapter 21.08 and MPMC Chapter 21.10, with two recommendations.

**Motion:** Moved by Commissioner Hamner and seconded by Commissioner Choi, motion carried by the following vote:

Ayes: Commissioners: Choi, Hamner, Garcia, and Sullivan  
Noes: Commissioners: None  
Absent: Commissioners: None  
Abstain: Commissioners: None

**NEW BUSINESS:** None

**COMMISSION COMMUNICATIONS:** None

**FUTURE AGENDA ITEMS AS DIRECTED BY THE COMMISSION:** None

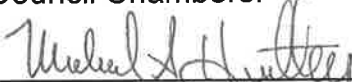
**STAFF UPDATES:**

Director Huntley stated that Stephen Lam has appointed a new commissioner that needs to be sworn in and is hoping that the new commissioner is present at the next meeting.

**CLOSED SESSION:**

**ADJOURNMENT**

There being no further business for consideration, the meeting was adjourned on April 28, 2015 at 7:19 p.m. to the next regular meeting on May 12, 2015 at 7:00 p.m. in the Council Chambers.



Michael A. Huntley  
Director of Community and Economic Development

*Approved on at the regular Planning Commission meeting.*

**OFFICIAL MINUTES  
MONTEREY PARK PLANNING COMMISSION  
REGULAR MEETING  
MAY 12, 2015**

The Planning Commission of the City of Monterey Park held a Regular Meeting of the Planning Commission in the Council Chambers, located at 320 West Newmark Avenue in the City of Monterey Park, Tuesday, May 12, 2015 at 7:00 p.m.

**CALL TO ORDER:**

Chair Garcia called the meeting to order at 7:00 p.m.

**ROLL CALL:**

Planner Luna called the roll:

Commissioners Present: Ricky Choi, Larry Sullivan, and Margaret Leung

Commissioner Late Arrival: Lincoln Lee (7:05 p.m.)

**ALSO PRESENT:** Karl H. Berger, Assistant City Attorney; Michael A. Huntley, Director of Community and Economic Development; Harald Luna, Assistant Planner

**SWEAR IN**

Commissioner Margaret Leung swore in by City Clerk.

Commissioner Lincoln Lee swore in by City Clerk.

**ELECTION**

Commissioner Garcia nominated for chairperson

**Action Taken:** The commission elected Rodrigo Garcia as chairperson

**Motion:** Moved by Commissioner Sullivan and seconded by Commissioner Choi, motion carried by the following vote:

Ayes: Commissioners: Choi, Lee, Leung, Garcia, and Sullivan

Noes: Commissioners: None

Absent: Commissioners: None

Abstain: Commissioners: None

Commissioner Choi nominated as vice-chairperson

**Action Taken:** The commission elected Ricky Choi as vice-chairperson

**Motion:** Moved by Chairperson Garcia and seconded by Commissioner Sullivan, motion carried by the following vote:

**MISSION STATEMENT**

The mission of the City of Monterey Park is to provide excellent services to enhance the quality of life for our entire community.

Ayes: Commissioners: Choi, Lee, Leung, Garcia, and Sullivan  
Noes: Commissioners: None  
Absent: Commissioners: None  
Abstain: Commissioners: None

**ORAL AND WRITTEN COMMUNICATIONS:**

None

**AGENDA CHANGES AND ADOPTION:**

None

**APPROVAL OF MINUTES:**

None

**PUBLIC HEARING:**

None

**OLD BUSINESS:**

None

**UNFINISHED BUSINESS:**

**1-A. CODE AMENDMENT – RESIDENTIAL CHAPTER (CA-15-03)**

The City is initiating a code amendment to amend the residential chapter of the Zoning Code related to portable canopies, home occupation permits, mechanical equipment and landscaping; and the commercial chapter related to building height along Corporate Center Drive. The proposed code amendments are intended to address specific concerns thereby preserving and protecting the public health, safety, and welfare of the community.

Director Huntley provided a brief summary of the City of Monterey Park Municipal Code Section 21.08.080 (W) Landscaping Ordinance code amendment. Director Huntley indicated that the landscaping ordinance will regulate all yard area visible from the street and the ordinance will also allow for more drought tolerant landscaping. Director Huntley stated that there is language within the zoning code that prohibit vehicle from parking at yard area outside of the driveway.

Commissioner Lee inquired whether there is a nonconforming section in our city's code. Director Huntley replied yes, but it does not apply to landscaping. Commissioner Lee inquired if the ordinance only applies to new home. Director Huntley stated that in most case yes. Attorney Berger stated that the landscaping requirement will kick in when a resident proposed a new landscape design but it will not force residents to switch out their existing landscaping. Commissioner Lee stated that he is still having trouble understanding when the code kicks in. Director Huntley stated that the landscaping ordinance will provide greater latitude to single family home.

Commissioner Lee inquired if a landscaping plan is required for new landscaping. Director Huntley stated that for single family residences the city staff will provide guidance for new residential landscaping, but the staff will not require a landscaping plan from the residents. Commissioner Lee stated that the landscape ordinance is still very unclear to him and he would like to work with planning staff on the landscaping ordinance.

Chair Garcia inquired if the Commission can sit down with the staff to work on this ordinance. Attorney Berger stated that the current provision is clear enough but it is up to the Commission to decide what to do. Chair Garcia stated that he would like to listen to Commissioner Lee's concerns and recommendations but he also would like to expedite this item.

Commissioner Lee inquired about the permitted location for a mechanical unit. Director Huntley stated that a mechanical unit cannot be located within 5 feet of the side and rear property line. Commissioner Lee stated that the wording of the mechanical equipment ordinance is not clear and it should be reworded. Director Huntley stated that the main idea is to not allow any mechanical equipment being visible from public right-of-way.

Chair Garcia asked whether this item will come back to the Commission if there is an alteration. Director Huntley stated that this item can move forward to the City Council with the Commission recommendations, this way the alternation will also move forward to the city council. Attorney Berger stated that the Commission can adopt a resolution for modification or have staffs work on the ordinance and present it to the Commission again. Attorney Berger stated that it is up to the Commission to decide what to do to move forward.

Director Huntley stated that there is other part of the mechanical equipment ordinance that will address Commissioner Lee's concerns. Commissioner Lee replied that he has more concern after reading the rest of the ordinance.

Chair Garcia inquired whether other commissioners would like to go over the entire ordinance tonight, provide recommendation for Director Huntley, or approve it tonight. Commissioner Leung stated that she would like to see Commissioner Lee inputs. Commissioner Sullivan stated that he would like the staff to work with Commissioner Lee. Vice-Chair Choi stated that he would like to continue this item to the next meeting.

Chair Garcia stated that he would like each Commissioner to make their comments known to the staff and then continues this item in the next meeting. Chair Garcia stated that this way the staff will have time to evaluate the comments.

Commissioner Sullivan inquired whether two Commissioners can meet with the city's staff at the same time. Attorney Berger answered that no more than 2 commissioners can meet with the city's staff at the same time. Commissioner Sullivan inquired whether he can present a resolution outside of the Planning

Commission Meeting. Attorney Berger replied that a resolution can only be present during Planning Commission Meeting.

Commissioner Lee stated that he would like to meet with the city's staffs to ensure the ordinance reflects what the city wants. Chair Garcia inquired if Commissioner Lee can provide staff with all of his comments at this time. Commissioner Lee stated that he needs additional time to finish reading the entire ordinance.

Chair Garcia inquired if there is a time constraint on this item. Director Huntley stated that there is not a deadline but city council would like to move forward with this item.

Director Huntley clarified that he broke down the entire ordinance update into 4 sections so it will be easier to present to the commission. Director Huntley stated that he will provide some background information for each section, so the commission will have a clearer understanding of each section.

Commissioner Garcia inquired whether Commissioner Lee would like to further discuss these items with the city staffs. Commissioner Lee replied that he would like to go over the ordinance with the planning staff and he would not mind if other commissioners join him. Director Huntley stated that there should not be a problem.

Commissioner Leung inquired if Commissioner Lee can be provided with an electronic copy for his comments. Attorney Berger suggested that any revision should be submitted to Director Huntley and has him distribute it to other commissioners. Director Huntley suggested that Commissioner Leung and Commissioner Lee can both meet with the planning staffs.

Commissioner Leung inquired about the noise level of mechanical equipment. Director Huntley stated that there is a performance standard within the code but mechanical equipment will get louder as it get older. Commissioner Leung stated that a 5 feet setback might not solve the noise problem. Director Huntley stated that a 5 feet setback is a common standard throughout the industry.

Commissioner Leung suggested that there should be a noise level limit for mechanical equipment. Commissioner Lee stated that in Los Angeles City a 5 feet setback is acceptable, and anything within 5 feet will required a noise level report.

Commissioner Sullivan inquired if a street within a gated community consider city's street. Director Huntley replied no. Commissioner Sullivan inquired if the city's regulations apply to the Olson Project. Director Huntley replied yes. Director Huntley stated that the Olson Project has to follow a master plan and current city standards. Commissioner Sullivan inquired whether the Olson Development will need to follow the updated ordinances. Director Huntley stated that the updated ordinances will not cover the Olson Project.

Commissioner Sullivan inquired whether item 3 applies to backyards. Director Huntley replied that the regulation will only apply to visible yard. Commissioner

Sullivan inquired whether the city has the right to regulate residential backyards. Director Huntley stated that the city will only regulate a residential backyard if it becomes a hazard.

Commissioner Sullivan inquired if the ordinance applies to Corporate Center Drive. Director Huntley replied that only the commercial section of the ordinance applies to Corporate Center Drive. Commissioner Sullivan inquired how the city will regulate landscaping at commercial area. Director Huntley stated that the current commercial landscaping requirements are not water conservation friendly. Attorney Berger stated that the state required the city to implement measures that will penalize people for using too much water, this will cause property owner to think about using less water.

**Action Taken:** The Planning Commission after considering the evidence presented during the public hearing continued the item to the meeting on May 26, 2015.

**Motion:** Moved by Commissioner Choi and seconded by Commissioner Sullivan, motion carried by the following vote:

Ayes: Commissioners: Garcia, Choi, Sullivan, Leung, and Lee  
Noes: Commissioners: None  
Absent: Commissioners: None  
Abstain: Commissioners: None

**NEW BUSINESS:**

None

**ITEMS FROM COMMUNITY AND ECONOMIC DEVELOPMENT:**

None

**ITEMS FROM THE COMMISSION:**

Commissioner Sullivan stated that he would like to take a look at April 28, 2015 Planning Commission's minutes.

Commissioner Leung inquired if she can obtain a copy of the entire draft ordinance instead of one section at a time. Director Huntley replied yes, and he would like to go over the ordinance with city attorney one more time.

Attorney Berger inquired if the commission would like to change the format of the presentation. Commissioner Garcia replied that the commission does not want to change the format of the presentation, but the commission would like to receive the entire ordinance update as soon as possible.

Attorney Berger stated that if Director Huntley meets with the members of the commission and share their recommendation with majority of the commission, the ordinance will become a public record.



Chair Garcia inquired if the commission can make changes to the ordinance during the Planning Commission. Attorney Berger replied yes.

Attorney Berger suggested that the commission should review the ordinance update one section at a time.

Chair Garcia stated that it will be more manageable if the commission can receive each section of the ordinance two week prior to the meeting.

Commissioner Lee inquired if he could provide comments to the planning staff prior to the meeting. Attorney Berger replied yes and suggested commissioner not to share their comment to other commissioner.

Director Huntley stated that the commissioners can contact him or city staff if they have any question with the ordinance update.

Commissioner Leung and Commissioner Lee inquired if they can receive all future documents electronically. Director Huntley replied yes, if the document is available electronically.

#### **ADJOURNMENT**

There being no further business for consideration, the meeting was adjourned on May 12, 2015 at 8:27 p.m. to the next regular meeting on May 26, 2015 at 7:00 p.m. in the Council Chambers.

  
\_\_\_\_\_  
Michael A. Huntley  
Director of Community and Economic Development

*Approved on at the regular Planning Commission meeting.*

## **Chapter 21.08 RESIDENTIAL ZONES**

## Chapter 21.08 RESIDENTIAL ZONES

### 21.08.040 Limitations and Special Standards.

(H) **Portable Canopy.** In all residential zones, subject to the following limitations:

(1) ~~A limit of one portable canopy is permitted per residential unit. There is no limit on the number of portable canopies permitted on a residential zoned property, except that any and all canopies must comply with the maximum square footage specified below.~~

(2) A portable canopy is allowed only adjacent to the side or at the rear of a residential unit. A portable canopy cannot be closer than twenty-five (25) feet from the front property line, fifteen (15) feet from a street side property line and five feet from the rear property line. A portable canopy cannot encroach into any required front or side setback area and must maintain a minimum distance of five feet from any building or structure, including eave projection. Placement of a portable canopy is subject to City Planner review and approval. ~~A site plan and elevation plan shall be submitted for zoning approval.~~

(3) A portable canopy must be constructed with a durable material, such as, without limitation, a canvas or vinyl material, which is securely anchored in place and properly maintained to present a neat and orderly appearance. The canopy is required to be replaced if they become torn, tattered or in disrepair.

(4) A portable canopy cannot exceed a height of fifteen (15) feet at the highest point and is limited to a maximum square footage of ~~one hundred twenty (120)~~ two hundred forty (240) square feet total for all portable canopies.

### 21.08.080 Development Standards.

(G) **Mechanical Equipment.** In all residential zones, swimming pool circulating pumps, filters and heaters, and air conditioners and coolers, including compressor units thereof, shall constitute structures, subject to the following standards:

(1) Must be located in ~~the~~ a rear or interior side yard.

(2) ~~Must be located twenty-five (25) feet from any opening in a residential building on an adjoining lot except as specifically permitted by the City Planner.~~ Cannot be located any closer than five feet to a side or rear property line that abuts another residential zoned property.

(3) May be located on other portions of a residential lot or on the roof of a residential building, if such location is first approved by the City Planner.

(4) Must be screened from public view and cannot be visible from any abutting lot, or any public street or right-of-way, except solar panel surfaces (but not supports, piping, etc.). The design and material of the screen is subject to review and approval of the City Planner.

(5) A site plan and elevation plan must be submitted for zoning clearance, including footprint of adjacent residential building and location of wall openings to adjacent building.

(6) The approvals required by the City Planner as provided for in this chapter, must be processed without application fee or public hearing upon submittal of required site plan. The City Planner must approve a location unless the location is or will be detrimental to neighboring properties. Conditions regarding exact location, size of unit, screening, sound proofing, color of unit, etc., may be imposed by the City Planner when deemed necessary to protect surrounding properties from excessive noise or unsightly appearance.

**(W) Landscaping Required.** ~~Required in the R-2 and R-3~~ In all residential zones, subject to the following standards:

(1) All open areas, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, or play areas, must be maintained with a combination of appropriate vegetative landscaping and permeable materials such as mulch, decomposed granite, gravel, stones, and similar permeable materials that allow for infiltration and reduce runoff. Permeable materials must be compacted or secured in such a way as to avoid spreading over any portion of a sidewalk or street. Appropriate landscaping includes at a minimum: two specimen trees, minimum twenty-four (24) inch box size, per each dwelling unit; one five-gallon shrub per forty (40) square feet of the area to be landscaped; approved ground cover planted at a density to achieve fifty (50) percent of land area coverage within one year; and grass area within the twenty-five (25) foot front yard setback across the substantial width of the lot, with a depth of a minimum of fifteen (15) feet from the back of the sidewalk. Appropriate landscaping includes the use of native planting or compatible species of drought-tolerant plants, and synthetic grass with lifelike individual blades of grass that emulates real grass and has a pile height of 1 ¾ inch or more upon approval of the City Planner."

(2) A solid perimeter masonry wall six feet in height must be provided along the side and rear lot lines. The wall must be reduced to four feet in height in the required front yard. A landscaping strip not less than three feet in width must be placed adjacent to the perimeter wall. Shrubs or vines not smaller than five-gallon capacity must be planted not farther apart than six feet along the entire perimeter of the side and rear property lines. Alternatively, or in combination with shrubs and vines, the perimeter must be planted with low ground cover and trees not smaller than twenty-four (24) inch box size, planted not farther apart than sixteen (16) feet along the lot lines.

(3) All driveway planters must be bordered by a minimum six-inch-high concrete curb.

(4) Whenever a driveway is located within a required side yard, and when primary living space(s) face the yard, a landscaped area at least six feet wide must be maintained between such a driveway and the building, except when the driveway is contiguous to parking spaces. Required walkways may encroach not more than thirty-six (36) inches into such landscaped area.

(5) A planting strip not less than eighteen (18) inches in width must be installed and continuously maintained along both sides of a unenclosed parking space located between two residential buildings on the same lot.

(6) A permanent automatic sprinkler system must be installed and maintained for all landscaped areas.

(7) Before the City issues a building permit, complete landscaping and irrigation plans, signed by a landscape contractor and/or landscape architect, must be submitted for City Planner approval. The plans ~~shall~~ must show the location of turf, trees, shrubs, walks, fences and any ponds, fountains or other decorative features; list the botanical and common names of all plants with the quantity of each and their container size; indicate soil preparation necessary; provide a typical planting detail for trees and shrubs; and clearly portray the location, coverage and specifications of the permanent, automatic irrigation system. All landscaping and irrigation systems shown on approved plans ~~shall~~ must be installed as required by the City Planner.

(8) Landscaped areas must incorporate earth mounding when required by the City Planner.

(9) Landscaping consisting of combinations of evergreen trees, shrubs, and ground covers with careful consideration given to eventual size and spread, susceptibility to disease and pests, and durability and adaptability to existing soil and climatic conditions. All plant material must be drawn from the list of suitable plant materials provided by the Planning Division. Exceptions for the use of other plant materials are allowed only upon approval of the City Planner.

## **Chapter 21.10 COMMERCIAL ZONES**

## Chapter 21.10 COMMERCIAL ZONES

### 21.10.030 Land Use Regulations.

(A) Permitted Uses. The land uses listed in Table 21.10(A) are permitted in one or more of the commercial districts as indicated in the columns corresponding to each commercial district. Where indicated with a “P,” the use is permitted. Where indicated with an “X,” the use is expressly prohibited. The letter “A” indicates the use is permitted only as an accessory use. The letter “C” indicates the use is conditionally permitted subject to the approval of a conditional use permit. The letter “L” indicates the use is permitted subject to limitations described in Section 21.10.040. The letter “S” indicates the use is permitted only on the second floor or above.

(B) All uses must be conducted totally within a completely enclosed building with the exception of City-approved outdoor dining, temporary special events, and uses customarily conducted in the open as determined by the City Planner, such as a carwash or nursery.

(C) Storage is permitted only within an entirely enclosed building and is limited to accessory storage of commodities sold or utilized in the conduct of a permitted use, on the premises.

(D) Uses producing, causing or emitting dust, gas, smoke, glare, noise, fumes, odors, electromagnetic emanations or vibrations which are or may be detrimental to the safety, welfare, health and peace of the City and its residents are prohibited.

(E) Overnight parking of vehicles, except those used in conjunction with a permitted use, are prohibited. The vehicles must be maintained in proper working order and remain free of graffiti at all times. Any such vehicle deemed to be a public nuisance is prohibited from parking on-site.

**Table 21.10(A)**

### Permitted Uses in Commercial Zones

Legend;

A	As an accessory use only
C	Permitted subject to approval of a conditional use permit
L	Permitted subject to limitations or special standards as described in Section 21.10.040
P	Permitted
S	Permitted <del>only</del> on the second floor or above; or first floor with a conditional use permit
X	Expressly prohibited

Land Uses	N-S	S-C	C-B	R-S	C-S	C-P
<b>Retail</b>						
Appliance or Electronics Sale and Repair	P	P	P	P	P	X
<b>Art Gallery</b>	P	<del>X</del> P	P	P	P	<del>X</del> P
Art Supplies Store	P	P	P	P	P	X
Auto Parts Store, retail only	P	P	X	P	P	X
Auto Sales – New	X	P	X	L	P	X
Auto Sales – Used	X	P	X	L	P	X
Bakery, Retail Sales Only	P	P	P	P	P	X

Beauty Supplies Store	X	P	P	P	P	X
Boat, Trailer, Motorcycle, Motor Scooter Sales	X	X	X	L	P	X
Book Store, including Newsstand	P	P	P	P	P	P
Catering Service, Food (not truck catering)	X	X	X	A	A	X
Cellular Phone Store, including Accessories	P	P	P	P	P	P
Clothing/Shoe Retail and Service	P	P	P	P	P	P
Commercial Shopping Facility (5 or more units OR more than 1 acre)	C	C	C	C	C	C
Drugstore/Pharmacy	P	P	P	P	P	L
Florist	P	P	P	P	P	P
Furniture Store	X	P	P	P	P	X
Grocery/Food Store/Supermarket	P	P	P	P	P	L
Hardware/Home Improvement Store (less than or equal to 10,000 sq. ft.)	P	P	P	P	P	X
Hardware/Home Improvement Store (more than 10,000 sq. ft.)	X	P	X	P	P	X
Hobby/Specialty Store	P	P	P	P	P	X
Jewelry Store	X	P	P	P	P	P
Medical Equipment and Supplies (sales and service)	X	P	X	P	P	P
Medical Marijuana Dispensaries	X	X	X	X	X	X
Music Store (sales, service and instruction)	X	P	X	P	P	X
Music Store (retail sales only with service and instruction expressly prohibited)	X	P	P	P	P	X
Music/Movie Sale and Rental	P	P	P	X	P	P
Office Supply Store (less than or equal to 10,000 sq. ft.)	X	P	P	P	P	P
Office Supply Store (more than 10,000 sq. ft.)	X	P	X	P	P	P
Pet Store and Supplies	P	P	P	P	P	X
Photo Processing Shop (contained within automated equipment only)	X	P	P	P	P	X
Plant Nursery	X	X	X	X	P	X
Retail, General (≤10,000 sq. ft.)	P	P	P	P	P	X
Retail, General (large) (>10,000 sq. ft.)	X	P	P	P	P	X
Specialty Retail	P	P	P	P	P	P
Sporting Goods Store	X	P	P	P	P	X
Swap Meet	X	X	X	X	X	X
Swimming Pool Sales and Service	X	X	X	P	P	X
<b>Service Business</b>	<b>N-S</b>	<b>S-C</b>	<b>C-B</b>	<b>R-S</b>	<b>C-S</b>	<b>C-P</b>
Adult Care Facility	X	X	X	X	C	C
Animal Grooming	P	P	P	P	P	X
Animal Hospital	X	C	X	X	P	X
Animal Shelter	X	X	X	X	X	X
Auto Detailing	X	X	X	X	X	X
Auto Dismantling	X	X	X	X	X	X
Auto Rental	X	X	X	L	L	X
Auto Repair	X	X	X	X	X	X
Auto Salvage and Wrecking	X	X	X	X	X	X
Barber Shop	P	P	P	P	P	P
Beauty Salon	P	P	P	P	P	P
<b>Car Wash</b>	<b>CX</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>C</b>	<b>X</b>
Cemetery	X	X	X	X	X	X
Check Cashing Facility	X	X	X	X	C	X
Collection Facility	C	C	X	C	C	X
Community Care Facility	X	X	X	X	C	C
Copy Center	P	P	P	P	P	P
Day Care Center	C	C	C	X	C	C
Day Health Spa (excluding massage)	P	P	P	P	P	P
Dry Cleaning (including laundry)	X	P	X	P	P	X
Dry Cleaning (including laundry less than or equal to 2,000 sq. ft.)	P	P	P	P	P	P



<b>Service Business (cont'd)</b>	<b>N-S</b>	<b>S-C</b>	<b>C-B</b>	<b>R-S</b>	<b>C-S</b>	<b>C-P</b>
Employer-Sponsored Child Care	L	L	L	L	L	L
Extended Lodging Facility	X	X	X	L	L	L
Fitness Center (less than or equal to 5,000 sq. ft.)	L	L	L	L	L	L
Fitness Center (more than 5,000 sq. ft.)	C	C	C	C	C	C
Gunsmith	X	X	P	P	P	X
Hotel	X	X	L	L	L	L
Kennel/Animal Boarding	X	X	X	X	X	X
Laundromat	P	P	P	X	X	X
Locksmith/Keys	P	P	X	P	P	X
Mail Boxes (accessory to parcel service or contract postal station only)	A	A	A	A	A	A
Massage Establishment	L	L	L	L	L	L
Money Transfer Facility	X	X	X	X	C	X
Mortuary/Funeral Home	X	X	X	C	C	C
Motel	X	X	X	L	L	X
Parcel Service/Contract Postal Station	P	P	P	P	P	P
Photo Processing Shop	P	P	P	P	P	P
Photocopying/Reproduction	X	P	P	P	P	P
Picture Framing as Accessory to Art Supplies Store and/or Art Gallery	A	A	A	A	A	X
Printing and Publishing	X	X	X	P	P	X
Public Storage (Mini-Storage)	X	X	X	X	C	X
Salvage Yard	X	X	X	X	X	X
Service Station	C	C	X	C	C	X
Studio (Martial Arts/Dance/Photo/Music)	X	L	L	L	L	L
Tailor	P	P	P	P	P	X
Tattoo Parlors and Body Piercing Shops	X	X	X	X	X	X
Tutoring	L	X	X	L	L	X
Veterinary Services, Domestic	X	C	X	X	P	X
<b>Eating &amp; Drinking Establishment</b>	<b>N-S</b>	<b>S-C</b>	<b>C-B</b>	<b>R-S</b>	<b>C-S</b>	<b>C-P</b>
Alcohol Sales (on-sale and off-sale)	L	L	L	L	L	L
Bar, Tavern or Cocktail Lounge	X	X	L	L	X	X
Outdoor Dining	A	A	A	A	A	A
Restaurant	P	P	P	P	P	P
Retail Eating Establishment	P	P	P	P	P	P
<b>Entertainment/Cultural</b>	<b>N-S</b>	<b>S-C</b>	<b>C-B</b>	<b>R-S</b>	<b>C-S</b>	<b>C-P</b>
Adult Oriented Business	X	X	X	X	X	X
Amusement or Game Arcade	X	C	C	C	C	X
Auditorium, including Performing Arts Center	X	X	X	C	C	A
Concert Hall	X	C	C	C	X	X
Comedy Club	X	C	C	C	X	X
Commercial Recreation – Indoor	C	C	C	C	C	C
Commercial Recreation– Outdoor	X	C	C	C	C	X
Community Center	X	C	C	C	X	X
Cultural Institution	X	X	X	P	P	P
Fortunetelling	X	X	X	X	L	X
Golf Driving Range	X	X	X	X	C	X
Internet Arcade	X	L	<del>X</del> L	<del>X</del> L	L	X
Library	X	X	X	P	P	P
Lodge/Meeting Hall	X	X	P	P	P	X
Miniature Golf	X	C	X	C	C	X
Museum	X	X	P	P	P	X
Theater (theatrical and motion picture)	X	C	C	C	X	X
<b>Office</b>	<b>N-S</b>	<b>S-C</b>	<b>C-B</b>	<b>R-S</b>	<b>C-S</b>	<b>C-P</b>
Bank/Financial Institution (retail)	C	C	C	C	C	P
Data/Cash Processing Office	X	X	X	X	X	P
Financial Institution/ Corporate Office	X	X	X	X	X	C
Notary Public	S	S	S	S	S	P

Office, Administrative	S	S	S	S	S	P
Office, Professional	S	S	S	S	S	P
Office, Service	P	S	S	P	P	P
Stockbroker/Trader	X	X	S	X	X	P
<b>Medical Uses</b>	<b>N-S</b>	<b>S-C</b>	<b>C-B</b>	<b>R-S</b>	<b>C-S</b>	<b>C-P</b>
Acupuncture or Acupressure Clinic/Office	X	X	X	X	L	L
Alcoholism Hospital	X	X	X	X	C	C
Ambulance Service	X	X	X	X	C	P
Clinic (including medical, dental, psychologist, social work)	X	X	X	X	P	P
Day Treatment Hospital	X	X	X	X	C	C
Hospital (including psychiatric)	X	X	X	X	C	P
Long-Term Facility	X	X	X	X	C	C
Medical or Dental Laboratories	X	X	X	X	L	L
Nursing and Convalescent Hospital	X	X	X	X	C	L
Optometrist/Ophthalmologist	X	X	X	P	P	P
Out-Patient Facility (Drug and Alcohol)	X	X	X	X	L	L
<b>Educational Institutions</b>	<b>N-S</b>	<b>S-C</b>	<b>C-B</b>	<b>R-S</b>	<b>C-S</b>	<b>C-P</b>
Business College (Office or Medical/Dental)	X	X	X	X	X	C
School, Commercial	X	X	X	X	X	C
School, Driving/Traffic (passenger vehicles and motorcycles)	X	X	X	X	C	C
School, Accessory Use to Church	X	C	C	X	X	X
School, Private	C	X	X	C	C	X
School, Public	P	P	P	P	P	P
School, Vocational or Trade School	C, S	X	C, S	X	C	C, S
Swimming Pool School	P	X	X	X	X	X
<b>Additional/Accessory Uses</b>	<b>N-S</b>	<b>S-C</b>	<b>C-B</b>	<b>R-S</b>	<b>C-S</b>	<b>C-P</b>
Alcohol Sales	A	A	A	A	A	A
Assembly Hall	X	L	L	L	X	X
ATM Kiosk	L	L	L	L	L	L
Boarding House (see also Section 21.04.075)	X	X	X	C	C	C
Buildings Exceeding Height Limit	X	X	X	X	X	L
Community Facility	X	C	C	C	X	X
Drive-Through Business	L	L	X	L	L	X
Dump, Inert Solid	X	X	X	X	X	X
Dump, Rubbish and Refuse	X	X	X	X	X	X
General Research and Development Facility	X	X	X	L	L	L
Government or Public Facility	C	C	C	C	C	C
Government or Public Facility (owned or operated by the City of Monterey Park)	P	P	P	P	P	P
Live/Work Unit	L	X	L	L	L	X
Manufacturing, Heavy or Light	X	X	X	X	X	X
Mixed Uses (Residential & Commercial)	L	X	L	L	L	X
Parking Lot/Structure	X	X	A	A	A	A
Private Club	X	X	C	C	C	X
Public Utility Office	C	C	X	C	C	C
Public Utility Substation	X	X	X	P	P	X
Quarry	X	X	X	X	X	X
Recycling Center	X	C	X	X	C	X
Refuse Collection	X	X	X	X	X	X
Rehabilitation Facility	X	X	X	X	C	C
Religious Institution (Church/Temple/Mosque)	X	L	L	L	C	P
Single Room Occupancy	X	X	X	L	L	L
Supportive Housing	X	X	X	X	C	C
Transitional Housing	X	X	X	X	C	C
Transfer Station	X	X	X	X	X	X
Warehouse	X	X	X	X	X	X
Warehouse and Sales Outlet	X	X	X	X	X	X

Wireless Communications & Telecommunications Facility	L	L	L	L	L	L
Wholesale/Distribution	X	X	X	X	X	X

(Ord. 2097 § 3, 2013)

### **21.10.200 Tenant Mix Leasing Plans.**

(A) — Purpose. The City Council finds as follows: Although the city has commercial and industrial areas, it is primarily a residential community. The residents of the City need to have a variety of goods and services available to them to fulfill quality of life considerations. Location of providers of those goods and services within the City has many positive environmental impacts, both locally and regionally, by decreasing the need for residents to commute long distances to obtain necessities. A diversity of providers of such goods and services within the City also has many positive social and economic impacts, allowing City residents a wide range of choices, and encouraging purchasing locally. Appropriate tenant mix within any one shopping center is especially important in these respects, since it allows for better planning and design of traffic and circulation improvements, reduces congestion on City streets, and improves the potential for an economically successful center thereby avoiding blighting conditions and service costs that are associated with vacant and failed development, while providing the means for a full range of basic goods and services to residents. Finally, the entire community benefits when its residents purchase goods and services from local providers, through increased employment opportunities and the return of sales tax revenue which is used to finance needed services and improvements.

In recent years Monterey Park has experienced a loss of diversity in available goods and services, and a concomitant loss of purchasing from local businesses by City residents. This loss of diversity exacerbates existing problems. For example, an overconcentration of restaurants has placed burdens on the City and regional sewer systems which cause substantial health and welfare problems. The City has also experienced a substantial increase in the number of commercial buildings which are vacant and in the number of shops which are economically marginal, as indicated by low sales tax revenues and high turn-over rates. Such instability in the commercial areas of the City has a significant detrimental effect on the quality of life of the City's residents.

It is the purpose and intent of this section to establish mechanisms to reduce high vacancy and turn-over rates in commercial developments, and to encourage a diversity of resources for City residents to purchase a wide choice of goods and services within the City.

(B) — Applicability and Exemption. This section will apply to any project which consists of one acre or more in land area located in a commercial zone, or which consists of five or more contiguous lots located in a commercial zone. Notwithstanding the foregoing, the following projects will not be subject to this section:

(1) — Any project of which at least seventy-five (75) percent of the square footage to be constructed is for office uses, and the remaining area will be divided into not more than three units for retail uses;

~~(2) — Any project where the development will be totally occupied by a single retail tenant or user.~~

~~(C) — The City Planner may waive submittal of any or all of the requirements of this section for any project if, in his/her sole determination, such information is not necessary for City review because the applicant has submitted sufficient information as part of another City application, such as participation in a master leasing program or development agreement establishing the financial feasibility of the proposed project.~~

~~(D) — Leasing Plan. No project shall be constructed, erected, or maintained unless and until a leasing plan has first been approved pursuant to the provisions of this section. A leasing plan must include all of the following:~~

~~(1) — A market analysis which:~~

~~(a) — Defines the anticipated customer base area for the project, including analysis of the area's population, and their income, purchasing power, and buying habits and preferences;~~

~~(b) — Identifies existing projects and projects that are under construction or have received entitlements which will potentially be in competition with the proposed project for that customer base area;~~

~~(c) — Delineates access to the project site from freeways and arterials;~~

~~(d) — Contains recommendations for commercial orientation of the project (e.g., neighborhood shopping, community shopping, regional shopping, convenience, specialty, off price/discount, etc.), and~~

~~(e) — Recommends major tenants which the analysis indicates have a high probability of establishing and maintaining economic viability within the identified customer base area;~~

~~(2) — Information indicating that a key tenant commitment has been made. Such information may consist of a letter of intent that clearly indicates the commitment of the key tenant(s) to sign a lease if the project is constructed and indicates that an agreement has been reached on all major deal points;~~

~~(3) — A use plan for leasing, selling, or otherwise using all space remaining in the project other than that subject to the key tenant commitment;~~

~~(4) — A financial feasibility study, based upon the key tenant commitment and proposed use plan;~~

~~(5) — Information demonstrating that long term provisions for maintenance and marketing of the project, as necessary, have been made.~~

~~(E) — Approval Process. Before, or concurrent with, submittal of an application for a conditional use permit, site plan review, or other discretionary approval, the developer must submit to the Community Development Department a leasing plan, accompanied by fees as established by City Council resolution. The application may be submitted without the information required pursuant to subsection (C)(2) of this section; provided that the applicant amends the application when such information becomes available, which in any event must not be later than the applicant's submittal for a building permit for the project. The leasing plan must be reviewed by the City Planner. The results of that review process must be presented to the Planning Commission, which must approve the leasing plan if it determines that the leasing plan provides information that establishes a reasonable likelihood that the project will be financially feasible. The applicant may present additional information to the Planning Commission to aid it in its determination. The City Planner and Planning Commission will use their reasonable efforts to coordinate the review of the leasing plan with any hearings required in connection with the project. Appeal from the Planning Commission's decision may be made in the same manner and pursuant to the same procedures as established for appeal of a Planning Commission decision pertaining to a conditional use permit. See Chapter 21.32, Permit Procedures.~~

~~(F) — Amendment to Leasing Plan.~~

~~(1) — Each lessor of a project for which a leasing plan has been approved must notify the City and obtain City approval before any change of a key tenant. The City Planner must determine within ten (10) days of such notice whether to approve, disapprove, or conditionally approve such change, based upon a determination as to whether such change adversely impacts the likelihood that the project will be financially feasible.~~

~~(2) — An application for amendment to a leasing plan must be submitted in the same manner as the original leasing plan. Such application will be processed administratively unless the City Planner determines the amendment adversely impacts the likelihood that the project will be financially feasible, in which case the application will be scheduled for public hearing before the Planning Commission.~~

~~(3) — Any determination by the City Planner regarding a change in a key tenant or amendment to the leasing plan pursuant to this section may be appealed to the Planning Commission as provided for in Chapter 21.32, Permit Procedures. (Ord. 2097 § 3, 2013)~~

#### **21.10.040 Limitations, Special Standards and Accessory Uses.**

~~(I) — **Buildings exceeding height limit** are conditionally permitted, subject to approval of the Planning Commission, when located within in the Los Angeles Corporate Center (original Tract Map No. 42611).~~

~~(J I)    **Drive-through business** is conditionally permitted:~~

~~(1)    As an accessory to an established restaurant or commercial business and subject to approval of a conditional use permit by the Planning Commission.~~

(2) This use is prohibited in any area designated as MU-I in the General Plan Land Use Map.

(3) Pedestrian walkways should not intersect the drive-through drive aisles, but where they do, they must have clear lines of visibility for vehicles, and they must be emphasized by enriched paving or striping.

(4) Drive-through aisles must have a minimum twelve (12) foot width on curves and a minimum eleven (11) foot width on straight sections.

(5) Drive-through aisles must provide sufficient stacking area behind the menu board to accommodate a minimum of six cars.

(6) All service areas, restrooms and ground-mounted and roof-mounted mechanical equipment must be screened from view.

(7) Landscaping must screen drive-through or drive-in aisles from the public right-of-way and be used to minimize the visual impact of reader board signs and directional signs.

(8) Drive-through aisles must be constructed with (PCC) concrete.

(9) Parking areas and the drive-through aisle and structure must be set back from the ultimate curb face a minimum of twenty-five (25) feet.

(10) Menu boards must be a maximum of thirty (30) square feet, with a maximum height of seven feet, and face away from the street.

(11) Drive-through restaurants within an integrated shopping center must have an architectural style consistent with the theme established in the center. The architecture of any drive-through business must provide compatibility with surrounding uses in form, materials, colors, scale, etc. Structure plans must have variation in depth and angle to create variety and interest in its basic form and silhouette. Articulation of structure surface must be encouraged through the use of openings and recesses which create texture and shadow patterns. Structure entrances must be well articulated and project a formal entrance through variation of architectural plane, pavement surface treatment, and landscape plaza.

(12) No drive-through aisles can exit directly onto a public right-of-way.

~~(K J)~~ **Drugstore/pharmacy** is limited to a maximum size of five thousand (5,000) square feet in the C-P Zone.

~~(L K)~~ **Employer-sponsored child care** is permitted as an accessory use upon compliance with the following standards:

(1) The child care can only serve on-site employees of the business. The child care services cannot be available to the general public.

(2) The child care can only operate during the standard of operating hours of the sponsor business.

(3) The child care cannot operate independently of the sponsor business.

~~(M L)~~ **Extended lodging facility** is subject to the standards set forth in subsection (S) of this section, Hotel/motel/extended lodging facility.

~~(N M)~~ **Fitness center (less than or equal to 5,000 square feet)** is permitted upon compliance with the following standards:

(1) A business description must be submitted to and approved by the City Planner. The business description must include, without limitation, the following:

(a) Business Summary. Indicate the nature of the business and if lessons, classes or any similar activities are to take place in conjunction with the exercise facility.

(b) Number of Employees and Clients. Indicate the number of employees and their positions as well as the projected number of clients expected at the peak of operation.

(c) Hours of Operation. Indicate all hours that the exercise facility be open for business. When applicable, a detailed schedule of classes/lessons to be offered at the facility must be submitted to the City Planner.

(2) Modifications to an approved business description are subject to review and approval by the City Planner.

~~(Θ N)~~ **Fortunetelling** is permitted upon obtaining a permit from the business license division in compliance with Chapter 5.80, License Procedure.

~~(P O)~~ **General research and development facility** is permitted upon compliance with the following standards:

(1) The facility cannot involve testing, manufacturing, fabrication or processing or sale of products.

(2) The facility cannot include the use of hazardous material that has a degree of hazard rating in health, flammability or reactivity of Class 4 as ranked by U.F.C. Standard 79-3 or succeeding standard.

~~(Q P)~~ **Golf driving range** is conditionally permitted:

(1) Subject to approval of a conditional use permit by the Planning Commission; and

(2) This use is prohibited in any area designated as mixed-use in the General Plan Land Use Map.



(R Q) **Grocery/food/supermarket** is conditionally permitted in the C-P, subject to approval of the Planning Commission, when the unit occupied by the use is less than five thousand (5,000) square feet.

(S R) **Hotel/motel/extended lodging facility** is permitted in the R-S, C-S and C-P Zones. Motels are allowed in the R-S and C-S Zones. Extended lodging facilities are allowed in the R-S, C-S and C-P Zones. All uses must comply with the following standards:

(1) All hotels, motels, and extended lodging facilities are not single room occupancy or boarding houses.

(2) All hotels, motels, and extended lodging facilities are subject to a conditional use permit approved by the Planning Commission and must comply with the following standards in addition to any conditions imposed by the Planning Commission:

(a) Hotels and extended lodging facilities must provide guest rooms with voice mail, data ports, desk, laundry facilities, color television, alarm clock or wakeup service. Hotels and extended lodging facilities must also make irons and ironing boards available to guests upon request. Motels must provide guest rooms with voice mail, desk, color television, and alarm clock or wake up service.

(b) The minimum lot size for a hotel or extended lodging facility is one acre, with a minimum of one hundred (100) rooms. The minimum room size for a hotel and extended lodging facility is three hundred (300) square feet. There must be a minimum of twenty-five (25) square feet per guest room or meeting space for a full service hotel.

(c) Hotels, motels, and extended lodging facilities must include at least one recreational facility, such as a pool, whirlpool/spa, or fitness room. ~~Motels must provide a pool.~~

(d) A restaurant must be provided for full service hotels and a guest courtesy lounge (for snacks including vending machines) must be provided for a limited service hotel and extended lodging facilities.

(e) Extended lodging facilities must provide a twenty-four (24) hour per day on-site supervisor, as designated by the owner/operator.

(f) Hotels and extended lodging facilities must provide interior access to rooms. Motels can have access from walkways or the parking lot.

(3) Adequate parking must be provided on site as required by Chapter 21.22, Off-Street Parking Regulations.

(4) An application for a conditional use permit for a hotel, motel, or extended lodging facility must be accompanied by a report with the following information:



(a) Number of hotel, motel, and extended lodging facility rooms available in the City and within three miles of the proposed site.

(b) Current rates structure of existing facilities in the City and within three miles of the proposed site.

(c) Proposed rate structure, including term (daily, weekly, etc.).

(5) Kitchens, kitchenettes and other cooking facilities are prohibited with hotel or motel units except the manager's unit. Kitchens, kitchenettes or other cooking facilities may be permitted within extended lodging facilities.

(6) Housekeeping services including cleaning and linen service must be made available daily to each guest room, at the option of the guest.

(7) Leases and rental agreements of any duration are prohibited.

(8) Hotels, motels, and extended lodging facilities cannot be used for a mailing address, voter registration, school registration, or listed for a personal phone number.

(9) No existing hotels or motels can be converted to an extended lodging facility.

(10) Hotels, motels, and extended lodging facilities cannot be used for long-term occupancy for uses and facilities such as apartments, care facilities, boarding houses, and other similar uses and facilities.

(11) Hotels may have a maximum continuous length of stay of fourteen (14) days with a five-day interruption required before commencement of each such subsequent stay.

(12) Motels may have a maximum continuous length of stay of fourteen (14) days with a five-day interruption required before commencement of each such subsequent stay.

(13) Extended lodging facilities may have a maximum continuous length of stay as provided in Section 21.04.382.

(14) No hotel, motel, or extended lodging facility can solicit or accept advance payment for more than seven days lodging.

(15) Compliance with the foregoing limitations will be determined on a year-to-year basis, based on average guest length of stay throughout each twelve (12) month period of operation on the applicable extended lodging facility.

(16) Operators of hotels, motels, and extended lodging facilities must provide the City with rental receipts, and related, pertinent information, within three days after request by any City official.

(17) All of the provisions of this section of this code, and applicable conditions of approval, must be written in to the deed and recorded, before the City issues a grading permit.

(~~¶~~ S) **Internet arcade** is permitted subject to the standards set forth in Section 21.10.230 of this chapter.

(~~¶~~ T) **Live/work units** are permitted in areas designated as Mixed-Use II or Mixed-Use III in the General Plan Land Use Element ~~upon approval of a Precise Plan conforming~~ subject to the standards set forth in Chapter 21.14, P-D—Planned Development District Zone.

(~~¶~~ U) **Massage establishment** is permitted upon compliance with the following standards:

(1) All practitioners of foot or body massage must be licensed by the California Massage Therapy Council.

(2) All massage establishments must comply with regulations set forth in Chapter 5.28, Massage.

(~~¶~~ V) **Medical/dental laboratories** are limited uses subject to the following standards:

(1) Medical and dental laboratories must provide adequate ventilation so as not to emit any fumes or odors as required by Section 21.10.030(E).

(2) Medical and dental laboratories must provide a ventilation system that operates independently of any other system that may serve a multi-unit building.

(~~¶~~ W) **Mixed uses (residential and commercial)** are permitted in areas designated as Mixed-Use I, Mixed-Use II, or Mixed-Use III in the General Plan Land Use Element ~~upon approval of a precise plan conforming~~ subject to the standards set forth in Chapter 21.14, P-D—Planned Development District Zone.

(~~¶~~ X) **Nursing and convalescent hospital** is permitted upon compliance with the following standards:

(1) A business description must be submitted to and approved by the City Planner. The business description must include, without limitation, the following:

(a) Business Summary. Indicate the nature of the business and activities, classes or any similar events to take place in conjunction with the facility.

(b) Number of Employees and Patients. Indicate the number of employees and their positions as well as the projected number of patients expected at the peak of operation.

(c) Hours of Operation. Indicate all hours that the facility will be open to the public, including visiting hours.

(2) Modifications to an approved business description are subject to review and approval by the City Planner.

(Z Y) **Outdoor dining** is permitted as an accessory use upon compliance with the following standards:

(1) The primary business must be a restaurant, café, or retail eating establishment.

(2) A site plan must be submitted to and approved by the City Planner.

(a) Dining area must be clearly indicated and separated from any parking areas. Dining area may not be located within vehicle back-up areas.

(b) Dining area must be provided with a rail or decorative barrier to clearly identify and separate the outdoor dining from adjacent rights-of-way. Decorative barrier is subject to review and approval of City Planner.

(c) If outdoor dining is adjacent to off-street parking, then a decorative barrier must be placed between dining and parking areas.

(3) An encroachment permit must be obtained from the Public Works Department if the proposed dining area is located in the public right-of-way. A minimum width of five feet must be maintained between the curb face, street tree, or any appurtenances in the right-of-way and edge of dining area as shown in Figure 21.10(A).

## **CLEAN UP ITEMS**

The development standards criteria set forth in Table 21.10(B) are intended to provide minimum standards for the development and use of land within the commercial districts.

**Table 21.10(B)**

**Development Standards**

REGULATION	N-S	S-C	C-B	R-S	C-S	C-P
<b>Lot size (min.)</b>						
Lot width	50 ft.	50 ft.	50 ft.	200 ft.	100 ft.	50 ft.
Lot depth	100 ft.	100 ft.	100 ft.	150 ft.	100 ft.	100 ft.
Lot area	5,000 sq. ft.	15,000 sq. ft.	10,000 sq. ft.	30,000 sq. ft.	10,000 sq. ft.	5,000 sq. ft.
<b>Setbacks</b>						
<b>1. Front yard (min.)</b>						
a. Abuts a street	0 ft.	0 ft.	5 ft. min. 10 ft. max.	0 ft.	0 ft.	0 ft.
<b>2. Side yard (min.)</b>						
a. Abuts a street	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
b. Abuts commercial property	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
c. Abuts a residential zone	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
<b>3. Rear yard (min.)</b>						
a. Abuts a street	0 ft.	15 ft.	0 ft.	0 ft.	0 ft.	0 ft.
b. Abuts commercial property	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
c. Abuts a residential zone	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
d. Separated from residential zone by an alley (measured from center of alley)	20 ft.	20 ft.	20 ft.	15 ft.	20 ft.	20 ft.
<b>Building height (max.)</b>						
1. Maximum	28 ft./2 stories	40 ft./3 stories	40 ft./3 stories	50 ft./4 stories	40 ft./3 stories	40 ft./3 stories <sup>1</sup>
2. 25 ft. from residential zone	15 ft.	15 ft.	N/A	15 ft.	15 ft.	15 ft.
3. 35 ft. from residential zone	N/A	25 ft.	N/A	25 ft.	25 ft.	25 ft.
<b>Floor area ratio (max.)</b>						
1. Less than 10,000 sq. ft. lot	0.35	0.3	0.5	0.5	0.3	0.5
2. 10,000-20,000 sq. ft. lot	0.5	0.5	0.65	0.5	0.5	0.65
3. >20,000 sq. ft. lot	0.65	0.65	0.65	0.65	0.65	0.8 <u>1.0</u> <u>CUP</u>

4. >30,000 sq. ft. lot	0.8 <u>1.0</u> CUP	0.8	0.8	1.5	0.8 <u>1.0</u> CUP	
5. >65,000 sq. ft. lot			<u>1.2</u> CUP	<u>2.0</u> CUP		
6. >88,000 sq. ft. lot			<u>2.0</u> CUP			

Footnotes: Building on lots located within original Map No. 42611, Recorded at Instrument No. 82-1184016 -- Book No. 1012, Page 21 through 27 on August 6, 1982 (Los Angeles Corporate Center) may be built to a total height of seventy-five feet by right. Buildings on lots located within the original Map No. 42611 may exceed the height limits upon approval of a conditional use permit.